

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STAG WILLIAMSPORT, LLC,

Plaintiff,

v.

BHN ASSOCIATES, LLC,

Defendant.

Civil Action No.
1:21-cv-11958-NMG

PLAINTIFF STAG WILLIAMSPORT, LLC'S MOTION FOR ENTRY OF DEFAULT

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiff STAG Williamsport, LLC ("STAG") requests that a default enter against Defendant BHN Associates, LLC ("BHN"), on both STAG's claims and BHN's counterclaims, due to BHN's failure to timely appear in this action.

BACKGROUND

This case is about the disposition of \$450,000.00 being held in escrow by this Court. On June 7, 2021, STAG entered into a contract for the sale of real estate with BHN. The contract required BHN to deposit certain funds into an escrow account ("Escrowed Funds"), which, in the event BHN defaulted, STAG was entitled to keep. In August of 2021, BHN, without justification, refused to close on the sale, and subsequently refused to allow the Escrowed Funds to be released to STAG.

In October 2021, STAG filed suit in Massachusetts state court, seeking the release of the Escrowed Funds and related attorney's fees.¹ Since filing its Complaint, BHN has simply sought to delay the inevitable – first by failing to timely answers the complaint, then by filing frivolous motions to dismiss or transfer, then by simply ignoring all of their discovery responsibilities.

¹ On October 17, 2022, this Court granted a motion to have the escrow agent deposit the Escrowed Funds to this Court, and dismissing the escrow agent from this case. See Docs. 33 and 34.

Motion denied as moot.

SBM Gorton, USDJ 10/30/2023